



February 19, 2021

**VIA ECF**

Honorable Steven Tiscione  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11208

*Re: Suriel v. The Port Authority of New York & New Jersey et. al.*  
*1:19 civ 03867 (PKC) (ST)*

Dear Judge Tiscione:

This letter is the joint status report of the parties as per the order of this Court dated December 18, 2020.

**A) Depositions and Inspections**

Plaintiff has deposed defendants Police Officer Andrew Samuel and Jeremy Kahn and Sergeant Joseph Opromalla as well as non-party Port Authority witnesses Kim Dickie and Caroline Ioannou. Plaintiff has noticed Brett Telesford, who was added as a defendant in the second amended complaint filed on December 9, 2020, but a date for his deposition has not yet been set. Plaintiff intends to depose a non-party witness, American Airlines, who has been subpoenaed, but the date has not yet been set. Plaintiff has also served a subpoena on American Airlines for the inspection of the Terminal 8 arrivals area.

Defendants have conducted a day of deposition of plaintiff through an interpreter, and because of many difficulties plaintiff seemed to have understanding the questions or with the interpretation, defendants were unable to complete the deposition and are seeking a further deposition. Plaintiff has not agreed and disputes defendants' characterization of the deposition. In any event, the parties will meet and confer on this issue before an application is made to the court. Defendants have subpoenaed the EMT from Jamaica Hospital, who treated plaintiff while he was in the cell at JFK but her deposition had to be adjourned as she has been out of work on medical leave. Defendants have subpoenaed the FDNY for the deposition of the EMT who evaluated Plaintiff when he was transferred from PAPD custody to NYPD custody, but a date has not yet been set. Defendants are subpoenaing a treating doctor, Dr. Vadim Lerman of Nassau University Medical Center for deposition and intend to subpoena his employer, and



additional treating doctors. Defendants have been following up with Jamaica Hospital and the FDNY to get dates.

### **B) Document Demands and Interrogatories**

The Rule 26 documents exchange was completed, and the parties have each served additional document demands. All document demands have been responded to, but there are disputes as to compliance. The defendants have been requesting an authorization for plaintiff's cell phone records for the date of the arrest and plaintiff has objected. There is a dispute as to plaintiff's objections to other document demands and interrogatories served on November 20, 2020. Plaintiff contemplates moving to compel a number of outstanding items of discovery, including the defendant officers' electronic communications on the date of the incident and the Port Authority roll call. The parties will meet and confer on these disputes before an application is made.

### **C) The Discovery Schedule**

Despite the parties' diligent efforts, there remains a substantial amount of discovery to be completed in this case. Most of the remaining depositions are non-parties who are outside of the parties' control.

The parties are therefore requesting an extension of discovery and are proposing the following schedule:

May 7, 2021	Fact Discovery to Be Completed
June 22, 2021	Expert Disclosure to Be Completed
July 23, 2021	Deadline for Dispositive Motions

Respectfully submitted

/s/Kathleen Gill Miller

Kathleen Gill Miller

KGM:kc



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